14 **S.B. CIVIL MISC. APPEAL NO.1254/2006.**
(Smt. Leelu & Ors. Vs. Juara Ram & Ors.)

Date of Order :: 27.10.2006.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. S.K. Sankhla, for the appellants.

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Heard learned counsel for the appellant and perused the award impugned.

For the accidental death of 40 years old Vela Ram, the Tribunal has awarded compensation in the sum of Rs.2,67,000/- by taking his monthly income at Rs.2,100/- as a labourer and after deducting one-third on his personal expenditure and applying a multiplier of 15 has assessed pecuniary loss at Rs.2,52,000/- and further allowed Rs.2,000/- towards funeral expenses, Rs.5,000/- to the wife of the deceased towards loss of consortium and Rs.2,000/- each to the minor children of the deceases for loss of love, affection and guidance of their father.

The award made by the Tribunal in the present case appears moderate and a bit on the lower side but cannot be said to be too low or grossly inadequate so as to warrant interference in appeal. The Tribunal has also noticed the fact with reference to the oral evidence of the claimant that the deceased had his own agricultural land that was being cultivated by his wife now. Such source of income of the deceased being retaining itself to the claimants, the ultimate award made by the Tribunal does not appear grossly insufficient and there appears no scope for upward revision in favour of the claimants.

The appeal fails and is, therefore, dismissed.

(DINESH MAHESHWARI), J.

//Mohan//